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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/706,042 | 11/13/2003 | Olivier Meynard | 500203883-2 | 7142 |

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EXAMINER

RAY, GOPAL C

| | |
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| ART UNIT | PAPER NUMBER |
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2111

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,042

Applicant(s)

MEYNARD, OLIVIER

Examiner

Gopal C. Ray

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/13/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2111

1. The examiner acknowledges the amendment of claims 4, 5-9, 11 and 14-17 and the addition of new claims 20 and 21 by the Preliminary Amendment filed on 11/13/03. Claims 1-21 are presented for examination.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner believes that the title of the invention is broad. A descriptive title indicative of the invention will help in proper indexing, classifying, searching, etc. See MPEP 606.01. However, the title of the invention should be limited to 500 characters.
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds one paragraph Limit. Applicant should delete the Title from the abstract of the disclosure. However, the

Title can be inserted above the heading "ABSTRACT". Furthermore, applicant should combine all the paragraphs of the abstract of the disclosure to a single paragraph.

5. The drawings filed on 5/11/04 are acceptable by the examiner. However, direct any inquiries concerning drawing review by the USPTO draftsman to the Drawing Review Branch at (703) 305-8404.

6. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

7. Claims 1-11 and 17 are objected to for the following reasons:

Claim 1, line 2, "the control device" lacks proper antecedent basis, "a mobile computer" in line 2 should be changed to –the mobile computer–; claim 5, line 2, "a mobile computer" should be changed to –the mobile computer–; claim 9, line 4, "a" second occurrence should be deleted.

As per claims 2-4, 6-8, 10, 11 and 17, the claims incorporate the deficiencies of the respective parent claims.

Furthermore, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent 6,549,968 granted to Hart.

As per claim 1, the reference of Hart teaches, "a mobile computer and a base station" in Fig. 2, elements 10 and 11 respectively; "detect when a mobile computer is

interacting with the base station, and cause the mobile computer to perform a transition from an operating state to another state, wherein the mobile computer saves system context information when performing the transition and wherein the control element is operable to cause the base station to perform a transition to an operating state in accordance with the system context information" in Fig. 3, steps 307-310 and col. 3, lines 13-26.

As per claim 2, the reference of Hart teaches "a control element according to claim 1, operable to cause the mobile computer to perform a transition from an operating state to the other state by sending a transition request to an operating system of the mobile computer" in col. 3, lines 13-25.

As per claim 3, the reference of Hart teaches "a control element according to claim 1, operable to detect a transition complete event generated by the operating system and cause the base station to perform a transition to an operating state in response to the transition" in col. 3, lines 20-26.

As per claim 4, the reference of Hart teaches the added limitation of the claim in col. 3, lines 17-19 and lines 21-23.

As per claim 5, the reference of Hart teaches the added limitation of the claim in col. 3, lines 26-29.

As per claim 6, the reference of Hart teaches "a micro-controller" in col. 1, lines 42-47.

As per claim 7, the reference of Hart teaches, "a mobile computer and a base station" in Fig. 2, elements 10 and 11 respectively and "a control unit" in col. 1, lines 42-47.

As per claim 8, the claim is rejected for the same reasons as discussed in the rejection of claim 7 above.

As per claim 9, the claim is a subset of claim 1 and the relevant portions of the rejection in claim 1 above are also applicable here.

As per claim 10 the claim is a subset of claim 4 and the relevant portions of the rejection in claim 4 above are also applicable here.

As per claim 11, the claim is rejected for the same reasons as discussed in the rejection of claim 3 above.

As per claim 12, the claim is a subset of claim 1 and the relevant portions of the rejection in claim 1 above are also applicable here.

As per claim 13, the limitations of the claim are rejected for the combination of reasons as discussed in the rejection of claims 3 and 10 above.

As per claim 14, the reference of Hart teaches "a base station according to claim 12 operable to detect a transition-complete event of the mobile computer and perform a transition to an operating state in response to the transition-complete event" in col. 3, lines 20-28.

As per claims 15 and 16, the rejection of claim 4 above is applicable to the combination of limitations in claims 15 and 16.

As per claim 17, the reference of Hart teaches, "a mobile computer and a base station" in Fig. 2, elements 10 and 11 respectively.

As per claims 18 and 19, the claim recites methods. However, the limitations of the claims are parallel to the limitations of claim 1. In teaching the construction and use of the device, US Patent 6,549,968 granted to Hart teaches corresponding methods.

As per claim 20, the reference of Hart teaches, "a mobile computer and a base station" in Fig. 2, elements 10 and 11 respectively.

As per claim 21, the claim is rejected for the same reasons as discussed in the rejection of claim 1 above.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. The prior art submitted by applicant on 11/13/03 has been considered by the examiner and made of record in the file.

If applicants are aware of any prior art better than those are of record, they are required to bring the prior art to the attention of the examiner. Applicants are also reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR § 1.56. Applicants are advised to submit any information material to patentability in accordance with 37 CFR § 1.97 and § 1.98.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (571) 272-3631. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (571) 272-3632. The fax phone number for this Group is (571) 273-8300.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**mark.rinehart@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC central telephone number is (571) 272-2100. Moreover, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lastly, paper copies of cited U.S. Patents and Patent Application Publications ceased to be mailed to applicants with office actions as of June 2004. Paper copies of Foreign Patents and Non-Patent Literature will continue to be included with office actions. These cited U.S. Patents and Patent Application Publications are available for download via Office's PAIR. As an alternate source, all U.S. Patents and Patent Application Publications are available on the USPTO web site (www.uspto.gov), from the office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. Patent or Patent Application Publications will not be granted.


GOPAL C. RAY
PRIMARY EXAMINER
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